IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 1100 OF 2003

IN

SUMMARY SUIT NO. 1321 OF 2002

Shri Ganesh C.Kelkar .....Plffs.
vs.
M/s. Everest Development Corpn.
and ors. .....Defnds.

Nitin Gangal for the plffs.
D.H. Pardeshi for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 13th September, 2005.

P.C. :.

1. The present suit is filed on six dishonoured cheques. The only defence raised is that the suit is not based on written contract. The submission is misconceived. Suit is based on dishonoured cheque which is a negotiable instrument. Suit is maintainable under O.37 R.2 of the C.P.C. In that view of the matter Summons for Judgment made absolute. Suit decreed. Interest amount is reduced to 12% p.a.

sd/-

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